

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

**SIXTY-EIGHTH LEGISLATIVE DAY
FRIDAY, MARCH 18, 2005**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Coiner and Stegner, absent and excused. [District 21 temporarily vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alyssa Welch, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 17, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Stegner was recorded present at this order of business.

March 18, 2005

The JUDICIARY AND RULES Committee reports that **S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, S 1216, S 1217, S 1218, S 1219**, and **S 1220** have been correctly printed.

DARRINGTON, Chairman

S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, and **S 1216** were referred to the Finance Committee.

S 1217 was referred to the State Affairs Committee.

S 1218 was referred to the Judiciary and Rules Committee.

S 1219 was referred to the Commerce and Human Resources Committee.

S 1220 was referred to the Health and Welfare Committee.

March 17, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1070** was delivered to the Office of the Governor at 1:55 p.m., March 17, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 17, 2005

The JUDICIARY AND RULES Committee reports that **S 1063**, as amended, **S 1120, S 1153, S 1181, S 1185**, and **SCR 113** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1063**, as amended, **S 1120, S 1153, S 1181, S 1185**, and **SCR 113** and ordered them transmitted to the House for the signature of the Speaker.

March 17, 2005

The HEALTH AND WELFARE Committee reports out **H 230** with the recommendation that it do pass.

COMPTON, Chairman

H 230 was filed for second reading.

March 17, 2005

The AGRICULTURAL AFFAIRS Committee reports out **H 36** and **H 37** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

WILLIAMS, Chairman

There being no objection, **H 36** and **H 37** were referred to the Fourteenth Order of Business, General Calendar.

March 17, 2005

The AGRICULTURAL AFFAIRS Committee reports out **H 197**, as amended, and **HJM 4** with the recommendation that they do pass.

WILLIAMS, Chairman

H 197, as amended, was filed for second reading.

HJM 4 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 17, 2005

The FINANCE Committee reports out **H 327, H 328, H 329, H 330, H 338, H 339, H 340, H 341, and H 342** with the recommendation that they do pass.

CAMERON, Chairman

H 327, H 328, H 329, H 330, H 338, H 339, H 340, H 341, and H 342 were filed for second reading.

March 17, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 159, H 138, S 1198, H 263, H 139**, as amended, and **H 160**, as amended, with the recommendation that they do pass.

ANDREASON, Chairman

H 159, H 138, S 1198, H 263, H 139, as amended, and **H 160**, as amended, were filed for second reading.

March 17, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 161, H 135, H 234, and H 162** with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

ANDREASON, Chairman

H 161, H 135, H 234, and H 162 were filed for second reading.

March 17, 2005

The TRANSPORTATION Committee reports out **S 1190, H 54, H 68**, as amended, and **H 193** with the recommendation that they do pass.

BRANDT, Chairman

S 1190, H 54, H 68, as amended, and **H 193** were filed for second reading.

March 17, 2005

The EDUCATION Committee reports out **SJR 102** with the recommendation that it do pass.

GOEDDE, Chairman

SJR 102 was filed for second reading.

March 18, 2005

The FINANCE Committee reports out **S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, and S 1216** with the recommendation that they do pass.

CAMERON, Chairman

S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, and S 1216 were filed for second reading.

March 18, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 266** with the recommendation that it do pass.

BUNDERSON, Chairman

H 266 was filed for second reading.

March 18, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 254 and H 281** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 254 and H 281** were referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 17, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1110

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 17, 2005

Mr. President:

I transmit herewith **H 333, H 282, HCR 20, H 315, H 110**, as amended, **H 265**, as amended, **H 188**, as amended, **H 343, H 344, H 345, H 346, H 347, H 348**, and **H 337** which have passed the House.

JUKER, Chief Clerk

H 333, H 282, HCR 20, H 315, H 110, as amended, **H 265**, as amended, **H 188**, as amended, **H 343, H 344, H 345, H 346, H 347, H 348**, and **H 337** were filed for first reading.

March 17, 2005

Mr. President:

I transmit herewith Enrolled **H 294, H 33, H 56, H 183, H 184, H 187, H 75, H 163, H 50**, as amended in the Senate, and **H 122**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 294, H 33, H 56, H 183, H 184, H 187, H 75, H 163, H 50**, as amended in the Senate, and **H 122**, as amended in the Senate, and ordered them returned to the House.

March 17, 2005

Mr. President:

I return herewith **S 1122**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Darrington, granted by unanimous consent, **S 1122**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 17, 2005

Mr. President:

I return herewith **S 1182, S 1184, S 1187, S 1127, S 1011, S 1131, SJM 107**, and **S 1076**, as amended, which have passed the House.

JUKER, Chief Clerk

S 1182, S 1184, S 1187, S 1127, S 1011, S 1131, SJM 107, and **S 1076**, as amended, were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the House amendments to **S 1122**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1122**, as amended in the House?"

On request by Senator Darrington, granted by unanimous consent, the Senate concurred in the House amendments to **S 1122**, as amended in the House.

S 1122, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that **SJM 109** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Goedde, seconded by Senator Davis, **SJM 109** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1221

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2006; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2006; EXPRESSING LEGISLATIVE INTENT THAT CERTAIN STATE FUNDED BENEFITS BE PAID; AMENDING SECTION 33-1002C, IDAHO CODE, TO CREATE CERTAIN EXEMPTIONS FROM SECTION 33-1003, IDAHO CODE; AMENDING SECTION 33-5208, IDAHO CODE, TO LIMIT THE ANNUAL GROWTH OF SUPPORT UNITS ALLOWED FOR PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE THAT NEW PUBLIC CHARTER SCHOOLS MUST BE AUTHORIZED BY A SPECIFIED DATE; DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT; AND PROVIDING AN EFFECTIVE DATE FOR SECTION 7 OF THIS ACT.

S 1222

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF TEACHERS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF TEACHERS; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2006; PROVIDING MONEYS FOR THE UNEMPLOYMENT INSURANCE PROGRAM; DIRECTING THAT UP TO \$696,400 BE DISTRIBUTED FOR MASTER TEACHER AWARD PAYMENTS; AND DIRECTING THAT \$500,000 BE ALLOCATED FOR TRAINING TO SERVE THE NEEDS OF GIFTED AND TALENTED STUDENTS.

S 1223
BY FINANCE COMMITTEE
 AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS FOR FISCAL YEAR 2006; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2006; DIRECTING THAT \$9,500,000 BE EXPENDED FOR TECHNOLOGY AND REMEDIATION PROGRAMS; APPROPRIATING THE AMOUNT OF GENERAL FUND MONEY NECESSARY AS DETERMINED BY SECTION 33-1002D, IDAHO CODE, FOR PROPERTY TAX REPLACEMENT; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; REPEALING SECTION 33-120A, IDAHO CODE; AMENDING SECTION 33-1002, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT FUNDING BE PROVIDED FOR THE IDAHO STUDENT INFORMATION MANAGEMENT SYSTEM; AMENDING SECTION 33-1003A, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 321, LAWS OF 1995, TO REDESIGNATE THE SECTION AND TO REDUCE MINIMUM SUPPORT GUARANTEED TO A DISTRICT; REPEALING SECTION 33-1003B, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE FOR SECTION 10 OF THIS ACT.

S 1224
BY FINANCE COMMITTEE
 AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF CHILDREN'S PROGRAMS; PROVIDING A DESCRIPTION OF THE PUBLIC SCHOOLS DIVISION OF CHILDREN'S PROGRAMS AND PROVIDING THE AMOUNTS TO BE EXPENDED; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2006; DIRECTING THAT \$4,700,000 OF THE MONEYS ACCRUING PURSUANT TO SECTIONS 63-2506 AND 63-2552A, IDAHO CODE, AND SUCH OTHER MONEYS WHICH MAY BECOME AVAILABLE PURSUANT TO SECTION 63-7439, IDAHO CODE, BE EXPENDED FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THE DISTRIBUTION OF FUNDS FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO FEATURES OF THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THAT \$2,800,000 BE USED FOR THE LITERACY PROGRAMS AND EXPRESSING LEGISLATIVE INTENT THAT THE STATE DEPARTMENT OF EDUCATION AND STATE BOARD OF EDUCATION COORDINATE CERTAIN PROGRAMS; DIRECTING THAT \$5,060,000 BE ALLOCATED FOR PROGRAMS FOR STUDENTS WITH NON-ENGLISH OR LIMITED-ENGLISH PROFICIENCY; DIRECTING THAT \$900,000 BE DISTRIBUTED TO THE IDAHO DIGITAL LEARNING ACADEMY; AND GRANTING AUTHORITY TO TRANSFER FUNDS BETWEEN THE FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM BUDGET.

S 1225
BY FINANCE COMMITTEE
 AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF FACILITIES; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2006; TRANSFERRING AND APPROPRIATING CERTAIN FUNDS TO THE BOND LEVY EQUALIZATION FUND; AND DIRECTING THE DISTRIBUTION OF CERTAIN FUNDS PURSUANT TO IDAHO CODE.

S 1221, S 1222, S 1223, S 1224, and S 1225 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 333, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 282 and H 265, as amended, by State Affairs Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

HCR 20, by Education Committee, was introduced, read at length, and referred to the Education Committee.

H 315, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 110, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 188, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 343, H 344, H 345, H 346, H 347, and H 348, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 337, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 214, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

H 224, by State Affairs Committee, was read the second time at length and filed for third reading.

H 316, by Appropriations Committee, was read the second time at length and filed for third reading.

S 1172, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1196, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 97, as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

S 1209, by Finance Committee, was read the second time at length and filed for third reading.

H 252, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 271, by State Affairs Committee, was read the second time at length and filed for third reading.

H 261, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1142, as amended in the House, by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Coiner was recorded present at this order of business.

S 1200 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Little, and Stegner.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

The question being, "Shall **S 1200** pass?"

Roll call showed all members present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1200** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore to the Chair.

S 1202 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **S 1202** passed, title was approved, and the bill ordered transmitted to the House.

S 1203 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **S 1203** passed, title was approved, and the bill ordered transmitted to the House.

S 1204 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **S 1204** passed, title was approved, and the bill ordered transmitted to the House.

S 1205 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **S 1205** passed, title was approved, and the bill ordered transmitted to the House.

S 1206 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **S 1206** passed, title was approved, and the bill ordered transmitted to the House.

S 1207 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Stennett disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 21.

NAYS--Andreason, Broadsword, Burkett, Coiner, Gannon, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 12.

Absent and excused--Davis. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **S 1207** passed, title was approved, and the bill ordered transmitted to the House.

S 1208 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **S 1208** passed, title was approved, and the bill ordered transmitted to the House.

H 297, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **H 297** passed, title was approved, and the bill ordered returned to the House.

H 64, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **H 64** passed, title was approved, and the bill ordered returned to the House.

H 302, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President Pro Tempore declared **H 302** passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Hill to the Chair.

H 309 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--Stennett. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 309** passed, title was approved, and the bill ordered returned to the House.

S 1174 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Stennett disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **S 1174** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

S 1160 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1160** passed, title was approved, and the bill ordered transmitted to the House.

S 1163, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes and Senator Williams arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1163**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1158, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Broadsword, Cameron, Darrington, Schroeder. Total - 4.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1158**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1171, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Corder, Darrington, Gannon, Geddes, Hill, Jorgenson, Keough, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 21.

NAYS--Andreason, Burkett, Coiner, Compton, Davis, Goedde, Kelly, Langhorst, Malepeai, Schroeder, Stegner, Stennett, Werk. Total - 13.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1171**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent all Senate Finance bills were placed at the head of the Third Reading Calendar, followed by House Appropriations bills, followed by Senate bills, House bills amended in the Senate, and House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:35 p.m. until the hour of 9 a.m., Monday, March 21, 2005.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary